



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

S-6J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Brad K. Lewis  
Conestoga-Rovers And Assoc.  
6520 Corporate Drive  
Indianapolis, Indiana 46278

Re: Freedom of Information Act  
FOI Number: 05-FOI-00250-12  
Site/Project/File Number: Gary Development Landfill

Dear Mr. Lewis:

This letter serves as the U. S. Environmental Protection Agency, Region 5 Superfund Division's response to your Freedom of Information Act (FOIA) request dated November 29, 2011, wherein you specifically requested "any documents of or relating to CERCLIS or NPL investigations, PRPs, and removal actions."

November 8, 2011, EPA responded to your earlier similar request of October 12, 2011, by providing you with CERCLIS and NPL information that is publicly available on EPA's web page. See Enclosure A.

On December 13, 2011, Noreen Weimer, of my staff, contacted you regarding a fee commitment, and you agreed to a fee commitment of \$500.00. On February 6, 2012, Ms. Weimer informed you that the cost for responding to your request is \$450.05.

Originally, EPA requested an extension until February 1, 2012, and a second extension to February 7, 2012. We appreciate your patience as we collected the information responsive to your request.

Enclosed with this response are additional documents that are responsive to your request. Please refer to Enclosure B for the documents that are being released.


We are unable to provide you with certain other documents that are also responsive, because they are exempted from mandatory disclosure by virtue of 5 U.S.C. § 552(b)(5). Exemption 5 of FOIA, 5 U.S.C. § 552(b)(5) exempts from disclosure agency and interagency records or information including documents reflecting the agency's deliberative process. An itemized list of the records that are being withheld along with the basis for withholding them is provided on Enclosure C to this letter.

Under the FOIA, you may appeal this partial response to the National Freedom of Information Officer, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460 (U.S. Postal Service Only), FAX: (202) 566-2147, E-mail: [hq.foia@epa.gov](mailto:hq.foia@epa.gov). Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, NW. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, DC 20004.

Your appeal must be made in writing, and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 calendar day limit. The appeal letter should include the request number 05-FOI-00250-12. For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

You may contact Ms. Weimer, FOIA Specialist at (312) 353-8655 or Evette Jones, Chief Enforcement Services Section #3 at (312) 886-7572 should you have any questions concerning this request.

Sincerely,



Richard C. Karl, Director  
Superfund Division

Enclosures

bcc: Region 5 FOIA Office, MRI-9J  
N. Wood, ORC, C-14J  
D. Linnear, SR-6J  
FOIA File



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

Enclosure A

08 NOV 2011

REPLY TO THE ATTENTION OF:

SRC-7J

Brad K. Lewis  
Conestoga-Rovers and Associate  
6520 Corporate Drive  
Indianapolis, Indiana 46278

Re: Freedom of Information Act  
FOI Number: 05-FOI-00094-12  
Site/Project/File Number: Gary Development Landfill Site  
479 Cline Avenue  
Gary, Indiana 46406

Dear Mr. Lewis:

This letter serves as the Superfund Division's response to your Freedom of Information Act (FOIA) request to the U.S. Environmental Protection Agency dated October 12, 20011.

As indicated in my November 03, 2011 e-mail, we made several attempts to get clarification on your request with no success. Upon reviewing your request, we found that the information you have identified in your request is published by EPA on EPA's internet Site. Specifically the CERCLIS database, which is available for searching by site name, can be accessed at the following URL: <http://cumulis.epa.gov/supercpad/cursite/srchsite.cfm>. Similarly, NPL information is publically available at: <http://www.epa.gov/superfund/sites/query/queryhtm/nplfin1.htm>.

The following checked statement applies to the appropriate fees for the processing of your request:

- ☒ (X) No charge is applicable for processing your request because the cost does not exceed the \$14.00 minimum.
- ☐ ( ) This request meets the Fee reduction requirements. After reduction, the final cost does not exceed the \$14.00 minimum. Therefore, no charge is applicable.
- ☐ ( ) Enclosed with this response is a Bill for Collection in the amount of \$ \_\_\_\_\_ that covers the cost of search, review and/or photocopying the enclosed documents. This bill cannot be waived in the event the material is returned to EPA. The charges were confirmed on \_\_\_\_\_.

( ) This request meets the Fee Waiver requirements.

Superfund public dockets and Administrative Records may be obtained at the Superfund Record Center located at the EPA office in Room 711. The Record Center is open to the public Monday through Friday 8:00 am to 4:00 pm. These documents can also be found online at [http://www.epa.gov/region5superfund/sfd\\_foia.htm](http://www.epa.gov/region5superfund/sfd_foia.htm).

You may appeal this response to the National Freedom of Information Officer, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460 (U.S. Postal Service Only), FAX: (202) 566-2147, E-mail: [hq.foia@epa.gov](mailto:hq.foia@epa.gov). Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, NW. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, DC 20004. Your appeal must be made in writing, and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 calendar day limit. The appeal letter should include the request number 05-FOI-00094-12. For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

In an effort to improve our service to you, we are conducting a survey. Please complete the enclosed Customer Service Card and return it to us.

Should you need additional assistance regarding this FOIA request, you may contact me at (312) 886-4753. All other matters should be directed to Evette Jones, Chief, Enforcement Services Section #3 at (312) 886-7572.

Sincerely,



Beatriz J. Guerra  
FOIA Specialist  
Enforcement Services Section #3  
Superfund Division

Enclosures

cc: Region 5 FOIA Office, MRI-9J  
Nicole Wood, ORC, C-14J  
FOIA File 11/8/11

Enclosure B

DOCUMENTS TO THE REQUESTOR

<u>Document Type</u>	<u>Date</u>	
CD w/Document List	1/27/12	1 CD
Letter from Stephen B. Cherry, Bose Mckinney & Evans to Robert L. Lamprecht, Indiana Department of Environmental Management re: September 26, 1996 Compliance Inspection Summary	12/20/96	3 pages
Letter from Randa Bishlawi, US EPA to Lisa McKinney Goldner, Bose McKinney & Evans re: Gary Development Landfill	11/21/02	3 pages
Letter from Joshua M. Levin, U.S. Department of Justice to Lisa McKinney, Bose McKinney & Evans re: Gary Development Company, Inc. v. U.S. EPA	7/22/99	1 page

Enclosure C

**DOCUMENT(S) WITHHELD  
GARY DEVELOPMENT LANDFILL  
GARY, INDIANA**

<u>Document(s)</u>	<u>Date(s)</u>	<u>Page(s)</u>	<u>Exemption(s)</u>
EPA Final Closeout Memorandum – Gary Development Landfill	09/23/2005	12	5
EPA Action Memo – Request For a Time Critical Removal Action at Gary Development Landfill Site	08/20/2002	3	5
Search Results For William Nanini (Gary Development Co. Inc); Lawrence Hagen	04/26/2002	14	5
Photographs	11/21/1996	10	5
Photographs	10/06/1996	10	5
Photographs	12/14/1996	26	5
Photographs	12/05/1996	13	5
Photographs	02/05/1997	11	5
Photographs	01/01/	13	5
Extra Photographs	01/01/	35	5
Aerial Photographic Analysis	09/01/1995	15	5

Enclosure C

**DOCUMENT(S) WITHHELD  
GARY DEVELOPMENT LANDFILL  
GARY, INDIANA**

<u>Document(s)</u>	<u>Date(s)</u>	<u>Page(s)</u>	<u>Exemption(s)</u>
EPA Memo Re: Minutes from December 18, 1991 GEI Task Force Meeting	01/30/1992	3	5
EPA Memo Re: End of Year Report for Northwest Indian Geographic Management Initiative	12/02/1991	13	5
EPA Memo Re: GEI Task Force – Inspection Subcommittee	02/07/1992	15	5
EPA Memo Re: Minutes from Feb. 12, 1991 GEI Task Force Meeting	03/26/1992	4	5
EPA Memo Re: Northwest Indiana Geographical enforce- ment initiative – ORC Super- fund coordinator	01/01/	1	5